

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:14-cv-06091-KAM-SMG**

Zilberman v. Redbumper, LLC
Assigned to: Judge Kiyo A. Matsumoto
Referred to: Chief Mag. Judge Steven M. Gold
Cause: 28:1331 Fed. Question

Date Filed: 10/17/2014
Date Terminated: 07/17/2015
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

Victor Zilberman
*Individually and on behalf of all others
similarly situated*

represented by **John C. Ochoa**
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V.

Defendant

Redbumper, LLC
a Delaware limited liability company

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TERMINATED: 04/23/2015**ATTORNEY TO BE NOTICED****Edwin A. Huffman**

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ATTORNEY TO BE NOTICED**Defendant****CarOffer LLC****Defendant****Pearl Technology Holdings LLC**represented by **Walter A. Herring**

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/17/2014	<u>I</u> <u>1</u>	COMPLAINT <i>VICTOR ZILBERMAN</i> individually and on behalf of all others similarly situated against REDBUMPER, LLC filing fee \$ 400, receipt number 0207-7271079 Was the Disclosure Statement on Civil Cover Sheet completed –NO., filed by VICTOR ZILBERMAN. (Attachments: # <u>1</u> Civil Cover Sheet) (Wurgaft, Matthew) (Entered: 10/17/2014)
10/17/2014	<u>I</u>	Case assigned to Judge Kiyo A. Matsumoto and Chief Mag. Judge Steven M. Gold. (Bowens, Priscilla) (Entered: 10/17/2014)
10/17/2014	<u>I</u> <u>2</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Bowens, Priscilla) (Entered: 10/17/2014)
10/17/2014	<u>I</u>	

This attorney case opening filing has been checked for quality control. The following corrections were made: lower-cased party names, added description to defendants party text. (Bowens, Priscilla) (Entered: 10/17/2014)

10/21/2014	<u>3</u>	Summons Issued as to Redbumper, LLC. (Gillespie, Saudia) (Entered: 10/21/2014)
11/03/2014	<u>4</u>	Notice of MOTION for pre motion conference <i>for class certification</i> by Victor Zilberman. (Wurgaft, Matthew) (Entered: 11/03/2014)
11/20/2014	<u>1</u>	ORDER denying <u>4</u> Motion for Pre-Motion Conference. The court will not entertain plaintiff's application for a pre-motion conference prior to service of process on the defendant. Plaintiff may renew his request for a pre-motion conference on notice to defendant after he has served the defendant with the summons and complaint. Ordered by Judge Kiyo A. Matsumoto on 11/20/2014. (Tsay, Stephanie) (Entered: 11/20/2014)
12/03/2014	<u>5</u>	SCHEDULING ORDER: An in-person initial conference will be held at 2:00 p.m. on February 2, 2015 in Courtroom 13-D South before the undersigned. Counsel are directed to refer to and comply with the attached Order. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/3/2014. (Attachments: # <u>1</u> Chambers Individual Rules) (Vasquez, Lea) (Entered: 12/03/2014)
12/17/2014	<u>6</u>	Notice of MOTION for Leave to Appear Pro Hac Vice <i>by John C. Ochoa</i> Filing fee \$ 25, receipt number 0207-7404873. by Victor Zilberman. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit, # <u>3</u> Proposed Order) (Wurgaft, Matthew) (Entered: 12/17/2014)
12/17/2014	<u>7</u>	Notice of MOTION for Leave to Appear Pro Hac Vice <i>by Ari J. Scharg</i> Filing fee \$ 25, receipt number 0207-7404918. by Victor Zilberman. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit, # <u>3</u> Proposed Order) (Wurgaft, Matthew) (Entered: 12/17/2014)
12/17/2014	<u>1</u>	ORDER granting <u>6</u> Motion for Leave for John C. Ochoa and <u>7</u> Motion for Leave for Ari J. Scharg Leave to Appear Pro Hac Vice for plaintiff Zilberman. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/17/2014. (Vasquez, Lea) (Entered: 12/17/2014)
01/23/2015	<u>8</u>	Letter MOTION for pre motion conference <i>on Motion to Dismiss</i> by Redbumper, LLC. (Greenspon, Amanda) (Entered: 01/23/2015)
01/23/2015	<u>9</u>	Corporate Disclosure Statement by Redbumper, LLC (Greenspon, Amanda) (Entered: 01/23/2015)
01/26/2015	<u>1</u>	ORDER granting <u>8</u> Motion for Pre Motion Conference. Defendant Redbumper's request for a pre-motion conference is granted. Pursuant to this chambers' Individual Practices, plaintiff shall submit a response to defendant's letter requesting a pre-motion conference by January 29, 2015. The parties shall participate in a telephonic pre-motion conference on February 3, 2015 at 2:00 p.m. Counsel for defendant shall initiate the call and call into chambers at (718) 613-2180 once all parties are on the line. Ordered by Judge Kiyo A. Matsumoto on 1/26/2015. (Tsay, Stephanie) (Entered: 01/26/2015)
01/27/2015	<u>10</u>	MOTION for Leave to Appear Pro Hac Vice <i>of Bradley C. Mall</i> Filing fee \$ 150, receipt number 0207-7482944. by Redbumper, LLC. (Attachments: # <u>1</u> Affidavit in Support of Bradley C. Mall) (Greenspon, Amanda) (Entered: 01/27/2015)
01/27/2015	<u>11</u>	MOTION for Leave to Appear Pro Hac Vice <i>of Edwin A. Huffman</i> Filing fee \$ 150, receipt number 0207-7482949. by Redbumper, LLC. (Attachments: # <u>1</u> Affidavit in Support of Edwin A. Huffman) (Greenspon, Amanda) (Entered: 01/27/2015)
01/27/2015	<u>12</u>	MOTION to Adjourn Conference by Redbumper, LLC. (Greenspon, Amanda) (Entered: 01/27/2015)
01/27/2015	<u>1</u>	

		ORDER granting <u>10</u> Motion for Leave to Appear Pro Hac Vice ; granting <u>11</u> Motion for Leave to Appear Pro Hac Vice. So Ordered by Chief Magistrate Judge Steven M. Gold on 1/27/2015. (Vasquez, Lea) (Entered: 01/27/2015)
01/28/2015	<u>11</u>	ORDER granting <u>12</u> Motion to Adjourn Conference: The conference scheduled for February 2nd will instead be held at 10:00 a.m. on February 18, 2015. Counsel for plaintiff is directed to immediately confirm this new conference date and time with defendant's counsel. So Ordered by Chief Magistrate Judge Steven M. Gold on 1/28/2015. (Vasquez, Lea) (Entered: 01/28/2015)
01/29/2015	<u>13</u>	Letter <i>Response to Defendant's Request for Pre-Motion Conference</i> by Victor Zilberman (Wurgaft, Matthew) (Entered: 01/29/2015)
02/03/2015	<u>13</u>	Minute Entry for proceedings held before Judge Kiyo A. Matsumoto: A pre-motion teleconference was held on 2/3/2015 regarding defendant's proposed motion to dismiss. Matthew Wurgaft, Esq. and John C. Ochoa, Esq. appeared on behalf of plaintiffs, and Bradley C. Mall, Esq. appeared on behalf of defendant. By consent of the defendant, plaintiffs shall conduct limited jurisdictional discovery for a period of 60 days under the supervision of Chief Magistrate Judge Gold. The parties shall submit a joint status letter providing a proposed briefing schedule for defendant's proposed motion to dismiss or provide a stipulation to transfer venue by April 6, 2015 . Under the Local Rules of the Eastern District of New York and Administrative Order 2014-11, attorneys filing motions for pro hac vice admission must pay a \$150.00 attorney admission fee. Counsel for the parties are reminded to make all necessary payments for pro hac vice admission and to promptly enter their appearances in this action. (Tsay, Stephanie) (Entered: 02/03/2015)
02/10/2015	<u>14</u>	NOTICE of Appearance by John C. Ochoa on behalf of Victor Zilberman (aty to be noticed) (Ochoa, John) (Entered: 02/10/2015)
02/10/2015	<u>15</u>	Second MOTION to Adjourn Conference by Redbumper, LLC. (Greenspon, Amanda) (Entered: 02/10/2015)
02/10/2015	<u>16</u>	NOTICE of Appearance by Amanda Kate Greenspon on behalf of Redbumper, LLC (notification declined or already on case) (Greenspon, Amanda) (Entered: 02/10/2015)
02/10/2015	<u>17</u>	NOTICE of Appearance by Amanda Kate Greenspon on behalf of Redbumper, LLC (notification declined or already on case) (Greenspon, Amanda) (Entered: 02/10/2015)
02/11/2015	<u>17</u>	ORDER granting <u>15</u> Motion to Adjourn Conference: The initial conference scheduled for February 18th will instead be held at 10:00 a.m. on April 29, 2015. Counsel for defendant is directed to immediately confirm this new conference date and time with defendant's counsel. So Ordered by Chief Magistrate Judge Steven M. Gold on 2/11/2015. (Vasquez, Lea) (Entered: 02/11/2015)
04/06/2015	<u>18</u>	NOTICE of Appearance by Edwin A. Huffman on behalf of Redbumper, LLC (aty to be noticed) (Huffman, Edwin) (Entered: 04/06/2015)
04/06/2015	<u>19</u>	Letter by Victor Zilberman (Ochoa, John) (Entered: 04/06/2015)
04/07/2015	<u>19</u>	ORDER re <u>19</u> Letter filed by plaintiff. Plaintiff's request for an extension, upon consent of defendant, to file a joint status letter advising the court of how the parties would like to proceed is granted. The parties shall file a joint status letter by April 14, 2015 indicating how they will proceed. Should plaintiff decide to dispute defendant's jurisdictional arguments, the parties shall adhere to the following briefing schedule: (1) defendant shall serve its motion to dismiss or transfer venue by April 24, 2015; (2) plaintiff shall serve its opposition by May 8, 2015; and (3) defendant shall serve its Reply, if any, and file the fully-briefed motion via ECF, by May 19, 2015. The parties are kindly reminded to provide the court with two hard courtesy copies of all papers filed electronically. Ordered by Judge Kiyo A. Matsumoto on 4/7/2015. (Tsay, Stephanie)

(Entered: 04/07/2015)

04/14/2015	<u>20</u>	Letter (<i>Joint Letter</i>) by Victor Zilberman (Ochoa, John) (Entered: 04/14/2015)
04/22/2015	<u>21</u>	MOTION to Withdraw as Attorney <i>Brad C. Mall</i> by Redbumper, LLC. (Attachments: # <u>1</u> Proposed Order) (Mall, Bradley) (Entered: 04/22/2015)
04/22/2015	<u>22</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 150, receipt number 0207-7687738. by Redbumper, LLC. (Attachments: # <u>1</u> Affidavit in Support, # <u>2</u> Appendix, # <u>3</u> Proposed Order) (Herring, Walter) (Entered: 04/22/2015)
04/23/2015	<u>21</u>	ORDER granting <u>21</u> Motion to Withdraw as Attorney. Attorney Bradley Mall terminated. So Ordered by Chief Magistrate Judge Steven M. Gold on 4/23/2015. (Vasquez, Lea) (Entered: 04/23/2015)
04/23/2015	<u>22</u>	ORDER granting <u>22</u> Motion for Leave for Walter A. Herring to Appear Pro Hac Vice for defendants. So Ordered by Chief Magistrate Judge Steven M. Gold on 4/23/2015. (Vasquez, Lea) (Entered: 04/23/2015)
04/27/2015	<u>23</u>	MOTION to Adjourn Conference (<i>Unopposed</i>) by Victor Zilberman. (Ochoa, John) (Entered: 04/27/2015)
04/28/2015	<u>23</u>	ORDER granting <u>23</u> Motion to Adjourn Conference: The conference scheduled for April 29th will instead be held at 11:00 a.m. on August 6, 2015. Counsel shall electronically file a status report by June 17th. So Ordered by Chief Magistrate Judge Steven M. Gold on 4/28/2015. (Vasquez, Lea) (Entered: 04/28/2015)
04/28/2015	<u>24</u>	AMENDED COMPLAINT against CarOffer LLC, Pearl Technology Holdings LLC, filed by Victor Zilberman. (Ochoa, John) (Entered: 04/28/2015)
05/08/2015	<u>25</u>	WAIVER OF SERVICE Returned Executed by Victor Zilberman. CarOffer LLC waiver sent on 5/4/2015, answer due 7/3/2015. (Ochoa, John) (Entered: 05/08/2015)
05/08/2015	<u>26</u>	WAIVER OF SERVICE Returned Executed by Victor Zilberman. Pearl Technology Holdings LLC waiver sent on 5/4/2015, answer due 7/3/2015. (Ochoa, John) (Entered: 05/08/2015)
06/08/2015	<u>27</u>	Notice of Filing Bankruptcy <i>Suggestion of Bankruptcy of CarOffer, LLC</i> (Attachments: # <u>1</u> Exhibit) (Herring, Walter) (Entered: 06/08/2015)
06/17/2015	<u>28</u>	STATUS REPORT by Victor Zilberman (Ochoa, John) (Entered: 06/17/2015)
06/18/2015	<u>28</u>	ORDER re <u>28</u> Status Report filed by Victor Zilberman: The conference scheduled for August 6th will instead be held by telephone. Counsel for plaintiff is directed to arrange the call with all parties. So Ordered by Chief Magistrate Judge Steven M. Gold on 6/18/2015. (Vasquez, Lea) (Entered: 06/18/2015)
06/30/2015	<u>29</u>	Letter MOTION for pre motion conference <i>on Motion to Stay Proceedings, Motion to Dismiss, and Motion to Transfer Venue</i> by Pearl Technology Holdings LLC. (Herring, Walter) (Entered: 06/30/2015)
07/01/2015	<u>29</u>	ORDER REFERRING MOTION: <u>29</u> Letter MOTION for pre motion conference <i>on Motion to Stay Proceedings, Motion to Dismiss, and Motion to Transfer Venue</i> filed by Pearl Technology Holdings LLC. Ordered by Judge Kiyo A. Matsumoto on 7/1/2015. Motions referred to Steven M. Gold. (Williams-Jackson, Sandra) (Entered: 07/01/2015)
07/06/2015	<u>30</u>	RESPONSE to Motion re <u>29</u> Letter MOTION for pre motion conference <i>on Motion to Stay Proceedings, Motion to Dismiss, and Motion to Transfer Venue</i> filed by Victor Zilberman. (Ochoa, John) (Entered: 07/06/2015)

07/13/2015	<u>I</u>	SCHEULING ORDER re <u>30</u> Response to Motion filed by Victor Zilberman, <u>29</u> Letter MOTION for pre motion conference <i>on Motion to Stay Proceedings, Motion to Dismiss, and Motion to Transfer Venue</i> filed by Pearl Technology Holdings LLC: The August 6th telephone conference will instead be held at 11:30 a.m. on July 16th, in light of counsels' recent filings. Counsel for plaintiff is directed to arrange the call with all parties. So Ordered by Chief Magistrate Judge Steven M. Gold on 7/13/2015. (Vasquez, Lea) (Entered: 07/13/2015)
07/16/2015	<u>I</u>	ORDER terminating <u>29</u> Motion for Pre Motion Conference in light of the parties' stipulation to transfer venue and their agreement that any other motions are properly brought in the transferee district. Ordered by Chief Mag. Judge Steven M. Gold on 7/16/2015. (Gold, Steven) (Entered: 07/16/2015)
07/17/2015	<u>I</u> <u>31</u>	Minute Entry for Initial Conference Hearing held on 7/16/2015 before Chief Magistrate Judge Steven M. Gold: Ochoa for plaintiff, Huffman and Herring for defendant. Counsel confirm that, as indicated in plaintiff's response [DE 30] to defendant's application for a premotion conference [DE 29], the parties stipulate to transfer of the case to the Eastern District of Texas. They also agree that any motions other than for change of venue that defendants seek to bring should be brought in the Eastern District of Texas and that the scheduling of those motions should be determined by that Court. The Clerk is respectfully requested to transfer this case accordingly and to close the case once the transfer is accomplished. (Vasquez, Lea) (Entered: 07/17/2015)
07/17/2015	<u>I</u>	Case transferred to the Eastern District of Texas. Original file, certified copy of transfer order, and docket sheet sent via ECF. ALL FILINGS ARE TO BE MADE IN THE TRANSFER COURT, DO NOT DOCKET TO THIS CASE. (Brucella, Michelle) (Entered: 08/31/2015)